

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAMAN SPICER,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:10CV01192 SNLJ
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Daman Spicer. I referred this matter to United States Magistrate Judge Mary Ann Medler, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On May 15, 2012, Judge Medler filed her recommendation that Spicer's habeas petition should be denied.

No objections to Judge Medler's Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Medler and deny Spicer's habeas petition for the reasons stated in the Report and Recommendation dated May 18, 2012. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Spicer has not made such a showing in this case, I will not issue a certificate of appealability.


Accordingly,

IT IS HEREBY ORDERED that Judge Medler's Report and Recommendation filed on May 15, 2012 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Daman Spicer's Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 13th day of September, 2012.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE